THE SENATE OF THE TWENTY-SEVENTH LEGISLATURE STATE OF HAWAI'I REGULAR SESSION OF 2013

FORTY-NINTH DAY

APRIL 15, 2013-MONDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: No. 259

MEASURE TITLE

G.M. No. 259

Dated March 7, 2013, transmitting the Relating to School Year and Instructional Time Report, prepared by the Department of Education pursuant to Act 52, SLH 2011.

2. Departmental Communication No. 98

<u>MEASURE</u>	TITLE	REFERRAL
D.C. No. 98	From the Hawaii Community Development Authority dated February 11, 2013, transmitting the Report of the Public Hearing of February 6, 2013 on Development Permit Application KAK 12-076: Alii International Enterprises, pursuant to Act 251, SLH 2006.	FILE

3. House Communication Nos. 651-696

Informing the Senate that on April 12, 2013, the following House Concurrent Resolutions were adopted in the House:

REFERRAL

651 H.C.R. No. 8, H.D. 1

"URGING THE UNITED STATES
DEPARTMENT OF STATE, THE
DEPARTMENT OF HOMELAND SECURITY,
AND THE UNITED STATES ATTORNEY
GENERAL TO EASE VISA RESTRICTIONS
FOR THE PEOPLE'S REPUBLIC OF
CHINA."(HSAC Package; People's Republic of
China; Visa Waiver)

652 H.C.R. No. 22, H.D. 2

"REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE TO DEVELOP LEGISLATIVE RECOMMENDATIONS THAT INCLUDE HEALTH AS A PRIORITY IN LAND USE PLANNING AND TRANSPORTATION DECISIONS." (Collaboration Between State Agencies; Policies that Impact Environmental Factors that Contribute to Poor Health and Inequities)

653 H.C.R. No. 23, H.D. 1

"REQUESTING THE FORMATION OF A TASK FORCE TO DEVELOP RECOMMENDATIONS FOR IMPROVING OBESITY PREVENTION-RELATED SERVICES AND COUNSELING IN ACCORDANCE WITH THE IMPLEMENTATION OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT." (Obesity Prevention Healthcare Reimbursement Task Force)

654 H.C.R. No. 25

"SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE." (Hawaii Baptist Academy; Land)

655 H.C.R. No. 30, H.D. 1

"REQUESTING THE DEPARTMENT OF EDUCATION TO MEET WITH INTERESTED PARTIES TO EXAMINE THE FEASIBILITY OF ESTABLISHING A BOXING PILOT PROGRAM IN AT LEAST ONE OF HAWAII'S PUBLIC HIGH SCHOOLS."(Boxing; Pilot Program; Department of Education)

656 H.C.R. No. 36, H.D. 1

"REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY AND THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CREATE A REDEVELOPMENT MASTER PLAN AND MORE HOUSING UNITS FOR KUKUI GARDENS AND MAYOR WRIGHT HOMES." (Kukui Gardens and Mayor Wright Homes; Development; Master Plan)

657 H.C.R. No. 44

"REQUESTING THE DEPARTMENT OF TAXATION, WITH THE COOPERATION OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO CONDUCT A STUDY ON THE FEASIBILITY OF OFFERING A SOLAR WATER HEATING SYSTEM TAX CREDIT."(DOTAX; DBEDT; Solar Water Heating System Tax Credit; Study)

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658 H.C.R. No. 47

"REQUESTING THE EXTENSION OF THE GOVERNMENT CONTRACTING TASK FORCE TO DEVELOP RECOMMENDATIONS TO ADDRESS ISSUES THAT AFFECT PROCUREMENT FOR GOODS AND SERVICES PURCHASED THROUGH NONPROFIT ORGANIZATIONS, INCLUDING HUMAN SERVICE NONPROFIT ORGANIZATIONS THAT DELIVER PIVOTAL GOODS AND SERVICES TO INDIVIDUALS, FAMILIES, COMMUNITIES, AND OTHER SMALL BUSINESSES." (Prompt Payment Task Force; Government Contracting Task Force; Extend to 6/30/13)

659 H.C.R. No. 48

"REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF FORMING A UNIVERSITY OF HAWAII AT HILO MEN'S VOLLEYBALL TEAM." (University of Hawaii at Hilo Men's Volleyball Team Task Force)

660 H.C.R. No. 54

"REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP AN ACTION PLAN TO ELIMINATE DIESEL CREMATORS IN THE STATE." (Diesel Cremators; Department of Health; Diesel Fuel Emissions)

661 <u>H.C.R. No. 69</u>

"EXPRESSING COMMITMENT TO THE CONSTITUTION OF THE UNITED STATES." (National Defense Authorization Act)

662 H.C.R. No. 71, H.D. 1

"REQUESTING THE DEPARTMENT OF EDUCATION TO SUPPORT A STUDENT EXCHANGE PROGRAM FOR STUDENTS IN HAWAII PUBLIC SCHOOLS AND STUDENTS IN PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS."(Philippine Student Exchange Program)

663 H.C.R. No. 76

"REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONTINUE ITS RESEARCH OF THE TIMEBANKING CONCEPT FOR HAWAII'S RESPITE SYSTEM."(Executive Office on Aging; Timebanking)

664 H.C.R. No. 81

"URGING THE BOARD OF TRUSTEES OF THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO PAY THE TRICARE RESERVE SELECT PREMIUM FOR ELIGIBLE STATE AND COUNTY EMPLOYEES WHO ARE MEMBERS OF THE NATIONAL GUARD AND RESERVES WHO **DECLINE HEALTH INSURANCE** COVERAGE THROUGH THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND AND INSTEAD OPT FOR HEALTH INSURANCE COVERAGE THROUGH TRICARE RESERVE SELECT."(Hawaii Employer-Union Health Benefits Trust Fund; National Guard and Reserves: Premiums)

665 H.C.R. No. 90, H.D. 1

"URGING THE VARIOUS BRANCHES OF THE UNITED STATES ARMED SERVICES IN THE STATE OF HAWAII, IN COOPERATION WITH THE MILITARY AFFAIRS COUNCIL OF THE CHAMBER OF COMMERCE OF HAWAII, TO ESTABLISH A WORKING GROUP TO ASSESS THE FEASIBILITY OF A CONSOLIDATED MILITARY TRANSITION, IMMERSION, AND EDUCATION CENTER."(Joint Military Transition, Immersion, and Education Center)

666 H.C.R. No. 92, H.D. 1

"REQUESTING THE DEPARTMENT OF EDUCATION TO EXPAND THE MANDARIN CHINESE LANGUAGE CURRICULUM IN PUBLIC HIGH SCHOOLS." (Mandarin Chinese Language Curriculum; Public High Schools)

667 <u>H.C.R. No. 98, H.D. 1</u>

"EXPRESSING SUPPORT FOR ONGOING EFFORTS TO PLAN AND DEVELOP A SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) RESEARCH AND EDUCATION CENTER IN KAKA'AKO MAKAI." (STEM Research and Education Center; Kakaako Makai; Marine Education;)

668 <u>H.C.R. No. 99, H.D. 1</u>

"REQUESTING THE CONVENING OF A LEGISLATIVE TASK FORCE ON ENERGY SECURITY." (Legislative Energy Security Task Force)

669 <u>H.C.R. No. 102</u>

"REQUESTING THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT DIFFERENTIATED WATER TOLL RATES AND CHARGES FOR THE HAMAKUA DISTRICT IRRIGATION SYSTEM."(DOA; Hamakua District Irrigation System; Differentiated Rates)

670 H.C.R. No. 104

"AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO THE RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND." (Non-exclusive Agreement; Seawall)

671 H.C.R. No. 106, H.D. 1

"URGING THE UNITED STATES CONGRESS TO GRANT FULL VOTING RIGHTS FOR RESIDENTS OF THE DISTRICT OF COLUMBIA." (United States Congress; Full Voting Rights for Residents of the District of Columbia)

672 H.C.R. No. 114

"REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE POTENTIAL EFFECTS OF ALLOWING GRADUATE STUDENTS OF THE UNIVERSITY OF HAWAII TO UNIONIZE."(University of Hawaii; Graduate Student; Union)

673 H.C.R. No. 117, H.D. 1

"URGING THE UNITED STATES CONGRESS TO INCLUDE RESIDENT CITIZENS OF THE FREELY ASSOCIATED STATES AS "QUALIFIED ALIENS" UNDER THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT IN RECOGNITION OF THEIR UNIQUE HISTORIC AND ONGOING SACRIFICES AND CONTRIBUTIONS TO THE UNITED STATES OF AMERICA." (Micronesia; Palau; Marshall Islands; Personal Responsibility and Work Opportunity Reconciliation Act)

674 <u>H.C.R. No. 118, H.D. 1</u>

"REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO PREPARE A PROGRESS REPORT ON DETAILING EFFORTS TO IMPROVE AND RE-ENGINEER PROCESSING FOR ADULT PROTECTIVE SERVICES."(Department of Human Services; Adult Protective Services Law)

675 H.C.R. No. 119

"REQUESTING THE EXECUTIVE OFFICE ON EARLY LEARNING, IN CONSULTATION WITH THE DEPARTMENT OF BUDGET AND FINANCE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING SOCIAL IMPACT BONDS TO FUND EARLY LEARNING PROGRAMS AND SERVICES IN THE STATE." (Social Impact Bonds; Early Learning Programs and Services)

676 <u>H.C.R. No. 122, H.D. 1</u>

"REQUESTING THE DEPARTMENT OF TAXATION TO CONVENE A WORKING GROUP TO EVALUATE THE FEASIBILITY OF IMPOSING A SALES TAX ON NON-ESSENTIAL FOOD ITEMS." (Taxation; Sales Tax on Non-Essential Food Items)

677 H.C.R. No. 129, H.D. 2

"REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP PARTNERSHIPS TO ADDRESS THE DATA GAP ON AIR, SURFACE WATER, AND NEAR SHORE EFFECTS OF ATRAZINE."(Atrazine Task Force)

678 H.C.R. No. 132

"RECOGNIZING THE WEEK OF OCTOBER 6 THROUGH 13, 2013, AS "HAWAII FISHING AND SEAFOOD WEEK"."(Hawaii Fishing and Seafood Week)

679 H.C.R. No. 139

"REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO ESTABLISH A COASTAL MEMORIALS TASK FORCE."(Coastal Memorials Task Force)

680 H.C.R. No. 140, H.D. 1

"URGING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A PROGRAM TO AWARD GRANTS TO FARMERS WHO IMPLEMENT NATURAL FARMING."(Global Natural Farming; Department of Agriculture)

681 H.C.R. No. 143, H.D. 1

"REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXEMPT CERTAIN CORAL SPECIES IN ALL COMMERCIAL HARBORS IN THE STATE OF HAWAII FROM RECLASSIFICATION UNDER A PROPOSED FEDERAL RULE CHANGE." (Harbors)

682 H.C.R. No. 146, H.D. 1

"URGING THE ESTABLISHMENT OF A WORK GROUP TO EXAMINE SOCIAL DETERMINANTS OF HEALTH AND RISK ADJUSTMENT FOR MEDICAID, GAPGROUP, AND UNINSURED INDIVIDUALS." (Social Determinants Work Group; Health and Risk Adjustment)

683 H.C.R. No. 158

"REQUESTING A STUDY OF THE FAIRNESS OF HAWAII TAXATION LAW WITH REGARD TO ITEMIZED DEDUCTIONS, ESPECIALLY IN LIGHT OF THE RECENT ENACTMENT OF THE AMERICAN TAXPAYER RELIEF ACT OF 2012."(Taxation; Study)

684 H.C.R. No. 161, H.D. 1

"REQUESTING THE STATE AUDITOR TO CONVENE A WORKING GROUP TO DETERMINE THE SCOPE AND SPECIFIC DUTIES OF THE HEALTH EDUCATOR PROFESSION." (Health Educators; Working Group)

685 H.C.R. No. 169

"URGING THE CITY AND COUNTY OF HONOLULU AND HOMELESS SERVICE ORGANIZATIONS TO PROVIDE AND MAINTAIN PORTABLE TOILETS IN THE DOWNTOWN HONOLULU AREA, INCLUDING KAKAAKO AND CHINATOWN."(Downtown Honolulu; Portable Toilets; Public Urination and Defecation)

686 H.C.R. No. 181, H.D. 1

"REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SUBMIT A REPORT TO THE LEGISLATURE ON CURRENT AND POTENTIAL REVENUE GENERATING ACTIVITIES ON STATE-OWNED LAND AT SAND ISLAND." (Requesting the Department of Land and Natural Resources to Submit a Report to the Legislature on Possible Revenue Generation at Sand Island Park.)

687 H.C.R. No. 184

"REQUESTING THE AUDITOR TO CONDUCT A COMPREHENSIVE FINANCIAL AUDIT OF THE DEPARTMENT OF HUMAN SERVICES MED-QUEST DIVISION, WITH EMPHASIS ON THE MEDICAID PROGRAM." (Financial Audit; Department of Human Services; Medicaid Program)

688 H.C.R. No. 189, H.D. 1

"REQUESTING THE GOVERNOR TO ENGAGE AND WORK WITH LANAI, MOLOKAI, AND THE OTHER NEIGHBOR ISLAND COMMUNITIES WHEN FORMULATING ENERGY POLICY AND IDENTIFYING ENERGY PROJECTS FOR THE STATE OF HAWAII." (Alternatives To The Interisland Transmission Cable System)

689 H.C.R. No. 195

"RECOGNIZING AND SUPPORTING THE NATIVE HAWAIIAN HOSPITALITY ASSOCIATION FOR THEIR EFFORTS IN PREPARING FOR THE DESIGNATION OF WAIKIKI - KAUHALE O HO'OKIPA AS A HAWAII STATE AND NATIONAL SCENIC BYWAY." (Waikiki-Kauhale O Ho'okipa Scenic Byway; Designation; Native Hawaiian Hospitality Association)

690 H.C.R. No. 199, H.D. 1

"URGING THE DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS
AND THE AMERICAN ASSOCIATION FOR
MARRIAGE AND FAMILY THERAPY:
HAWAII DIVISION, TO DEVELOP DRAFT
LEGISLATION ESTABLISHING,
IMPLEMENTING, AND MONITORING
CONTINUING EDUCATION
REQUIREMENTS FOR ALL LICENSED
MARRIAGE AND FAMILY THERAPISTS IN
HAWAII."(Licensed Marriage and Family
Therapists; Continuing Education; Department of
Commerce and Consumer Affairs)

691 H.C.R. No. 201, H.D. 1

"URGING THE DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS
AND THE HAWAII PSYCHOLOGICAL
ASSOCIATION TO DEVELOP DRAFT
LEGISLATION ESTABLISHING,
IMPLEMENTING, AND MONITORING
CONTINUING EDUCATION
REQUIREMENTS FOR ALL LICENSED
PSYCHOLOGISTS IN HAWAII."(Licensed
Psychologists; Continuing Education; Department
of Commerce and Consumer Affairs)

692 H.C.R. No. 214

"REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE CREATION OF A CROWDFUNDING PROGRAM."(Crowdfunding; Funding of Projects; Task Force)

693 H.C.R. No. 216, H.D. 1

"URGING THE CONVENING OF A TASK FORCE TO ESTABLISH A STROKE SYSTEM OF CARE IN THE STATE."(Urging the Convening of a Task Force to Establish a Stroke System of Care in the State.)

694 H.C.R. No. 217

"REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND RELIGIOUS IMPACTS OF ENACTING MARRIAGE EQUALITY IN HAWAII." (Social, Economic, and Religious Impacts of Enacting Marriage Equality in Hawaii)

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695 H.C.R. No. 224, H.D. 1

"URGING THE UNITED STATES
DEPARTMENT OF HOMELAND SECURITY
TO EXAMINE AND RE-EVALUATE ITS
POLICIES REGARDING REFUGEE AND
ASYLEE PROTECTIONS, INCLUDING THE
PRINCIPLE OF NON-REFOULEMENT."(Non-

refoulement)

696 H.C.R. No. 226

"EXPRESSING SUPPORT FOR FEDERAL

FUNDING TO FINANCE A

COMPREHENSIVE FEASIBILITY STUDY TO

EVALUATE THE POTENTIAL FOR ESTABLISHING A WORLD-CLASS COMMERCIAL SPACE LAUNCH AND CONTROL FACILITY IN THE STATE OF HAWAII."(Aerospace Development; Space Launch and Control Facility; Feasibility Study;

Federal Funding Request)

4. Senate Communications: None

5. Judiciary Communications: None

ORDER OF THE DAY

6. Deferred Matters – House Communications

HSE. COM. NO.		<u>REFERRAL</u>
638	S.B. No. 516, S.D. 1, H.D. 1 "RELATING TO PATERNITY."(Paternity; Removal of Time Bar to Actions)	AGREE/DISAGREE
639	S.B. No. 858, S.D. 1, H.D. 3 "RELATING TO BOARDS AND COMMISSIONS."(Boards and Commissions; Holdover Terms; Consent)	AGREE/DISAGREE

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7. Advise and Consent

1550 ENE

Status & Testimony

<u>1551</u> ENE

Status & Testimony

G.M. No. 719

"Submitting for consideration and confirmation to the Board of Directors of the Natural Energy Laboratory of Hawai'i Authority, Gubernatorial Nominee, JOHN DELONG, for a term to expire 6-30-2015."

G.M. No. 686

"Submitting for consideration and confirmation to the Endangered Species Recovery Committee, Gubernatorial Nominee, JOHN HARRISON, for a term to expire 6-30-2017."

8. Final Reading

S.B. No. 30, S.D. 1, H.D. 1

Prior Versions/Status & Testimony

"RELATING TO CAMPAIGN SPENDING."

(Campaign Spending; Voluntary Candidate Expenditure Limits; Prosecuting Attorney)

9. Miscellaneous Communication No. 3

<u>MEASURE</u>	TITLE	<u>REFERRAL</u>
M.C. No. 3	From the Honorable Donna Mercado Kim, President of the Senate, and the Honorable Joseph M. Souki, Speaker of the House of	FILE
	Representatives, dated April 12, 2013, transmitting a Legislative Communication authorizing a waiver of the April 11, 2013	
	disagree deadline on the 2013 Joint Legislative Timetable for S.B. No. 858, S.D. 1, H.D. 3.	

10. Miscellaneous Business

• Reconsideration of Disagreement to House Amendments; Motion to Agree; One Day Notice for Final Reading

S.B. No. 512, S.D. 1, H.D. 2	CPN	"RELATING TO ELECTRICAL CONTRACTORS."
S.B. No. 1079, H.D. 1	CPN	"RELATING TO HEALTH INSURANCE."
S.B. No. 1020, S.D. 1, H.D. 1	CPN	"RELATING TO CHARITABLE SOLICITATION."
S.B. No. 1045, S.D. 1, H.D. 2	CPN	"RELATING TO ELECTRIC COOPERATIVES."
<u>S.B. No. 400, S.D. 1, H.D. 1</u>	HMS/HTH, CPN	"RELATING TO HUMAN SERVICES."

S.B. No. 1177, H.D. 1	PSM	"RELATING TO THE REENTRY COMMISSION."
S.B. No. 1180, H.D. 1	PSM, JDL	"RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES."
S.B. No. 1183, S.D. 2, H.D. 1	PSM, JDL	"RELATING TO INTAKE SERVICE CENTERS."
S.B. No. 61, S.D. 1, H.D. 1	JDL	"RELATING TO JUVENILES."
S.B. No. 332, S.D. 1, H.D. 2	JDL, WAM	"RELATING TO WAGES."
S.B. No. 888, H.D. 1	JDL	"RELATING TO CHILD SUPPORT ENFORCEMENT."
S.B. No. 1016, S.D. 1, H.D. 2	JDL	"RELATING TO REGISTRATION OF COVERED OFFENDERS."
S.B. No. 1188, S.D. 1, H.D. 1	WAM	"RELATING TO THE ESTATE AND GENERATION-SKIPPING TRANSFER TAXES."

S.B. No. 1191, S.D. 1, H.D. 1 WAM "RELATING TO BOARDS OF REVIEW."

<u>S.B. No. 1197, S.D. 1, H.D. 1</u> WAM "RELATING TO THE

DEPARTMENT OF TAXATION SPECIAL ENFORCEMENT

SECTION."

11. Announcements

• Committee Hearing Schedule:

<u>COMMITTEE</u>	DATE & TIME	ROOM
CONF	4/15/2013 9:30 AM	309
INFO-TIA	4/15/2013 10:00 AM	414
EDU	4/15/2013 1:15 PM	414
PSM	4/16/2013 9:30 AM	312
TEC	4/16/2013 1:15 PM	414
WTL	4/16/2013 1:15 PM	225
TEC	4/16/2013 1:20 PM	414
AGL	4/16/2013 2:45 PM	224
TEC	4/25/2013 1:15 PM	414

• Senate Session will convene at 11:30 a.m. on Tuesday, April 16, 2013.

12. Adjournment